

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Allen Carl

Serial No.:

10/653.692

Filing Date:

09/02/2003

Title:

SELECTIVE DELIVERY OF CRYOGENIC ENERGY

TO INTERVERTEBRAL DISC TISSUE AND RELATED METHODS OF INTRADISCAL

HYPOTHERMIA THERAPY

Group Art Unit:

P.O. Box 1450

3739

Examiner:

Michael F. Peffley

Attorney's Docket No.:

Mail Stop Amendment

Commissioner for Patents

Alexandria, VA 22313-1450

CARL-1 CON

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS. PO BOX 1450. ALEXANDRIA, VA 22313-1450, ON:

February 28, 2006

(DATE OF DEPOSIT)

Margaret M. Slezak

Sir:

03/06/2006 SSITHIB1 00000043 10653692

01 FC:1806

February 28, 2006

(DATE OF SIGNATURE)

180.00 INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.56, 1.97 and 1.98, Applicant hereby submits documents and information which may be considered material to the examination of this application. These documents and information are listed on the accompanying form.

Copies of documents 1-7 which are listed on the accompanying form. PTO/SB/08A (substitute for Form PTO-1449) (one page), have not been submitted since submission of copies of U.S. patents and U.S. patent applications is no longer required under 37 CFR 1.98.

Applicant respectfully requests that these documents be fully considered by the U.S. Patent and Trademark Office during the examination of this application and printed on any patent which may issue on this application. Applicant also respectfully requests that a copy of PTO/SB/08A (substitute for Form PTO-1449) (one page), submitted herewith, as considered and initialed by the Examiner, be returned to the undersigned with the next communication.

It is believed that this disclosure complies with the requirements of 37 CFR 1.56, 1.97 and 1.98. If for any reason the Examiner considers otherwise, it is respectfully

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requested that the undersigned be contacted by the Examiner by telephone in order that any deficiencies may be expeditiously remedied.

A check in the amount of One Hundred Eighty Dollars (\$180.00) payable to the Commissioner of Patents and Trademarks also is enclosed herewith to cover the fee due in connection with this submission. Please charge any additional fees due in connection with this submission, or credit any overpayment, to Deposit Account No. 16-0221. A duplicate copy of this submission is enclosed for the convenience of the Examiner.

Thank you.

Respectfully submitted,

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Margaret-M. Slezak, Esc

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PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

Sheet 11

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known			
Application Number	10/653,692		
Filing Date	09/02/2003		
First Named Inventor	Allen Carl		
Art Unit	3739		
Examiner Name	Michael F. Peffley		
Attorney Docket Number	CARL-1 CON		

Examiner	Cite	D		DOCUMENTS	
Initials*	No.1	Document Number Number-Kind Code ^{2 (# known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	^{US-} 5,108,390	04-28-1992	Potocky et al.	
	2	^{US-} 5,417,686	05-23-1995	Peterson et al.	
	3	^{US-} 5,433,739	07-18-1995	Sluijter et al.	
	4	^{US-} 5,452,582	09-26-1995	Longsworth	
	5	^{US-} 5,531,776	07-02-1996	Ward et al.	
	6	^{US-} 5,899,898	05-04-1999	Arless et al.	
	7	^{US-} 6,562,028	05-13-2003	Nield et al.	
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FOREIGN PATENT DOCUMENTS						
Initials* No.1	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	T
	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY	7,4	Or Relevant Figures Appear	T	
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Examiner	D	Date	
Signature		Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.